**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MARK R. BUNKER

Serial No.: 10/790,473

Filed: March 1, 2004

For: CUSTOM CALLING FEATURE DISABLE FOR RESTRICTED CALLS

Attorney Docket No.: SBCK 0101 PUS (SW 1001)

Group Art Unit: 2642

Examiner: Deane Jr, William J.

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant requests review of the final rejection (final Office Action mailed December 30, 2005) in the above-identified patent application. No amendments are being filed with this request.

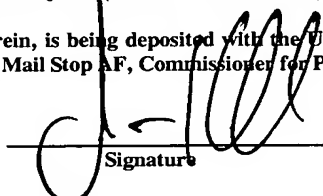This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the following pages 1-5.

# Remarks

The Examiner rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2002/0167946 ("Gallant").

The claimed invention is for restricting phone calls originating from a facility. Representative independent claim 1 provides a system for restricting phone calls originating from a facility, the system includes a facility resident phone(s), a switching office (SO), and a destination phone. A call signal originating at the facility phone is routed to the destination phone via the SO and the SO disables a custom calling feature(s) corresponding to the call signal upon determining the call signal as originating from the facility phone. Dependent claims 2-3 recite a custom calling feature as three-way calling or call forwarding.

The Examiner posited that Gallant teaches a system for restricting calls from a facility having a facility phone, a SO, a destination phone (para. 0011 and Fig. 1), the call is disabled (the abstract; and Figs. 3A and 3B), the call is disabled based on the facility (paras. 0058, 0089-0092, 0096-0097, 0108; and Figs. 6-8). The Examiner posited that the Gallant abstract teaches call forwarding ("means are disclosed for ensuring that invocation of redirect features, such as call forwarding, do not circumvent call blocking settings"). The Examiner noted that Gallant does not mention three-way calling but posited that this would have been obvious. The Examiner noted paras. 0010-0012 and 0070-0077 and the summary of Gallant in response to the Applicant arguments mailed October 3, 2005. The Examiner posited that this is the problem that Gallant is trying to solve and that Gallant solves the problem using the User Profile and Screening Tables in Fig. 6.

The claimed invention includes disabling a custom calling feature(s) corresponding to a call signal between a facility (e.g., a prison) telephone and a destination telephone upon determining the call signal as originating from the facility telephone. Thus, depending on which custom calling features are disabled, the call signal cannot be made a three-way call between the facility phone, the destination phone, and any $3^{rd}$ party phone and/or the call signal cannot be forwarded from the destination phone to any $3^{rd}$ party phone to establish a two-way call between the facility phone and a $3^{rd}$ party phone. The call itself

between the facility and destination phones is not terminated or prevented upon a custom calling feature corresponding to the call signal being disabled.

Fig. 3A and para. 0010 of Gallant indicate party A can call party B and party B can call party C but party A is blocked from calling party C. Fig. 3B and para. 0011 indicate a problem occurs when party B activates a call forwarding feature such that a call from party A is "forwarded or redirected" from party B to party C thereby resulting in a call between parties A and C that is supposed to be blocked. Para. 0012 indicates it is desirable to control the ability of party A to cause calls to party C regardless of what routing features are invoked by party B without placing undue restrictions on party B.

However, Gallant does not teach or suggest the claimed invention for the following reasons. Initially, Gallant paras. 0069-0078 and Fig. 4 are not relevant to preventing a call from party A to party B from being forwarded from party B to party C thereby resulting in a call between parties A and C that is supposed to be blocked. This disclosure discloses that a call from party A to party B is to be forwarded to party C if party B is busy and, thus, is applicable to a scenario in which a call between parties A and C is not to be blocked.

Gallant is generally directed to a scenario for two parties (e.g., parties A and B). In particular, para. 0058 discloses that a proxy server (PS) receives a request "typically from a calling station where a first user desires to contact a second user"; the PS may then relay a routing request to a location server (LS) for "verifying the privileges of the first user to reach the second user, finding one or more locations for the second user and performing any call handing features provisioned for the first and second users"; and the LS generally returns to the PS "one or more addresses of terminals where the second user may be contacted". (Para. 0050, "In general, location server 115 accepts a routing request, such as from a proxy server, and determines addresses or 'contacts' corresponding to the destination party expressed in the routing request. In response to the request, the location server may return a redirect response comprising contact information for the [destination] party" (emphasis).) (Para. 0087, the location server returns to the proxy server "a resulting set of contacts for the destination party being sought.")

Gallant paras. 0088-0097 and Fig. 6 disclose a user profile table 610 and a screening table 620. The user profile table includes a record which "generally corresponds to

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an individual user" (para. 0090). Each record has values which "may affect originating call screening or 'OCS', meaning the permissions for the user to originate calls . . . terminating call screening or 'TCS', meaning calls that the user may accept from others . . . feature-associated call screening or simply 'feature blocking' or 'FBL'" (para. 0092). "Each record in Screening Table 620 describes outbound origination and termination permissions in the communications system" (para. 0093).

Gallant paras. 0098-0110 and Fig. 7 disclose "a process 700 for handling session requests, including novel provisions for performing feature-associated call screening" (para. 0098). Process 700 commences upon receipt of a routing request "submitted to the location server, perhaps in response to a session request initiated by an originating user" (para. 0098). "In step 704, the routing request is interpreted or parsed to identify the origin of the call and the intended destination party or termination for the call" (para. 0099). The outbound calling permissions of the originating party and the acceptable inbound calls for the terminating party affect whether or not the session request, i. e., the call between the originating party and the terminating party is permissible (para. 0100). The result of this screening is evaluated and if the call fails to pass such screening then the call is denied (para. 0101). If the call passes this screening then "step 712 is performed to apply feature processing based upon the [terminating user] profile" (para. 0103). "The net effect of such feature processing will generally be a 'working list' of contacts for reaching the intended terminating party" (para. 0105). "Steps 720 through 728 implement a loop to screen each contact in the working list of contacts" (para. 0105). Step 722 involves selecting one of the contacts in the working list of contacts as a context for steps 724, 726, and 728 and "step 724 looks for feature blocking settings in the terminating user profile to determine if the contact is allowed to be included in the response which will eventually be sent back to the proxy in step 718" (para. 0108). "By the action of decision step 726, if the contact does not pass the screening of step 726, then step 728 is executed to remove the contact from the working list" (para. 0109). "When it is determined in step 720 that all contacts have been screened, then the final set of contacts, if any, resulting from feature processing and feature-related screening are returned to the proxy in step 718 in answer to the routing request that was received in step 702" (para. 0110).

Thus, a summary of the process of paras. 0098-0110 and Fig. 7: 1) determine whether the originating party (OP) can call the terminating party (TP); 2) if yes, determine a set of working contacts for which the OP can call the TP; 3) screen the working contact set based on feature block screening of the TP to eliminate those contacts which the OP cannot use to call the TP thereby leaving a final set of contacts; 4) let the OP call the TP using a first one of the final set of contacts; 5) if the TP does not answer the call using the first one of the final set of contacts, then let the OP call the TP using a second one of the final set of contacts and so on until all contacts in the final set of contacts have been attempted to place a call from the OP to the TP. Steps 4), 5) refer to the "Find-Me" schedule which routes calls using a list of possible destinations with each destination tried in turn (paras. 0052-0054; 0060, 0068, 0079-0097, and 0103). Thus, paras. 0098-0110 and Fig. 7 are directed to the two-party scenario.

Gallant process 800 in Fig. 8 "provides further description of how the feature blocking of step 724 may be implemented" (para. 0111). As indicated above, step 724 is directed to screening the working contact set based on feature block screening of the TP to eliminate those contacts which the OP cannot use to call the TP thereby leaving a final set of contacts. In general, "process 800 applies to checking contacts resulting from feature processing against feature block screening criteria expressed in the terminating user's profile coupled with a screening table" (para. 0111). "[I]n accordance with a novel aspect of the present invention, feature blocking criteria are expressed in the user's profile independently from other forms of screening criteria, such as originating and terminating screening criteria" (para. 0112). "Process 800 commences in step 802 when a contact for a terminating party is to be tested against feature blocking criteria associated with the terminating user's profile" (para. 0113). If "the contact does meet any of the criteria expressed in the criteria records, ... it is determined whether the criteria being met signifies that the contact is permissible or is not" (para. 0123). Thus, Fig. 8 and its description is directed to the two-party scenario.

The summary indicates that the Gallant invention addresses the "need for separately controlling the handling of feature-generated contacts for a user independently of the outbound calling permissions of the user"; "feature-generated contacts may arise from processing of the destination user's profile in response to a session request or an inbound call"; and "a contact generated by a feature, such as a routing feature, will be different information

than is known by, or provided by, the requesting party (para. 0013). As such, the summary is in keeping with Figs. 7-8.

The Gallant abstract states that "means are disclosed for ensuring that invocation of <u>redirect</u> features, such as call forwarding, do not circumvent call blocking settings" (emphasis). The abstract states that "[u]ser profile information associated with a party controls the invocation of features for the party and controls <u>the screening of redirect contacts</u> resulting from feature invocation" (emphasis). When taking into context the description of Figs. 7-8 and the summary, the abstract is referring to the two-party case scenario in which a working set of contacts for a call from an OP to a TP is screened such that the call is blocked to the contacts which are deemed unavailable based on the terminating user profile information and such that the call is enabled to the contacts which are deemed available based on the terminating user profile information. In turn, the call is made from the OP to the TP via a first one of the available contacts of the TP. If the TP does not answer the call, then the call is <u>redirected, i.e., call forwarded,</u> from the OP to the TP via the next one of the available contacts of the TP and so on until the call is established or until the call has been redirected or call forwarded via the remaining ones of the available contacts of the TP.

Thus, Gallant does not teach or suggest the claimed invention as the claimed invention includes disabling a custom calling feature(s) corresponding to a call signal between a facility phone and a destination phone upon determining the call signal as originating from the facility phone whereas Gallant discloses blocking certain ones of the contacts of a TP from being used to establish a call between an OP and the TP.

Respectfully submitted,

**MARK R. BUNKER**

By_____
James N. Kallis
Reg. No. 41,102; Attorney for Applicant

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**BROOKS KUSHMAN P.C.**
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400; Fax: 248-358-3351